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Ernest B. Kelly, III, President

July 19, 2001

The Honorable Michael J. Copps  
Commissioner  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, DC 20554

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JUL 20 2001  
FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

96-98

Dear Commissioner Copps:

Thank you for the recent opportunity to introduce the Association of Communications Enterprises (ASCENT) and to discuss our regulatory agenda. One priority issue for ASCENT is the availability of unbundled local switching (ULS) and unfettered access to the unbundled network element platform (UNE-P).

On May 2, 2001, prior to your swearing-in as a new FCC Commissioner, ASCENT submitted the attached letter espousing our position on the current 3-line restriction on unbundled local switching (ULS). The 57 companies that signed the letter reflect the broad base of support for lifting the restriction. We believe that this level of support should be of interest to you as you consider the issue.

Again, thank you for meeting with us. We look forward to working with you during your tenure at the Commission.

Sincerely,

CC: Magalie Roman Salas, Secretary

Chairman Powell  
Commissioner Tristani

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**Ernest B. Kelly, III, President**

July 19, 2001

The Honorable Kevin J. Martin  
Commissioner  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, DC 20554

Dear Commissioner <sup>Kelly</sup> Martin:

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Again, thank you for meeting with us. We look forward to working with you during your tenure at the Commission.

Sincerely,

CC: Magalie Roman Salas, Secretary

Chairman Powell  
Commissioner Tristani



Ernest B. Kelly, III, President

July 19, 2001

The Honorable Kathleen Q. Abernathy  
Commissioner  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, DC 20554

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JUL 20 2001

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Dear Commissioner Abernathy:

Thank you for the recent opportunity to introduce the Association of Communications Enterprises (ASCENT) and to discuss our regulatory agenda. One priority issue for ASCENT is the availability of unbundled local switching (ULS) and unfettered access to the unbundled network element platform (UNE-P).

On May 2, 2001, prior to your swearing-in as a new FCC Commissioner, ASCENT submitted the attached letter espousing our position on the current 3-line restriction on unbundled local switching (ULS). The 57 companies that signed the letter reflect the broad base of support for lifting the restriction. We believe that this level of support should be of interest to you as you consider the issue.

Again, thank you for meeting with us. We look forward to working with you during your tenure at the Commission.

Sincerely,

CC: Magalie Roman Salas, Secretary

Chairman Powell  
Commissioner Tristani



Ernest B. Kelly, III, President

May 2, 2001

The Honorable Michael K. Powell  
Chairman  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20554

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JUL 20 2001  
FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

RE: CC Docket No. 96-98 (UNE Remand Proceeding)

Dear Mr. Chairman:

On April 4, 2001, the Association of Communications Enterprises (ASCENT) submitted a letter to you advocating that the 3-line restriction on unbundled local switching (ULS) in the 50 largest metropolitan service areas be raised to the DS-1 level. In addition to ASCENT, 35 individual companies were listed on the letter indicating their support for lifting the 3-line threshold.

Since the original letter was sent, 22 additional companies have asked to be identified as proponents. On their behalf, and to reemphasize the broad support among competitive carriers for making ULS more widely available, I am resubmitting the April 4 letter together with the full list of supporting companies. I trust you will consider the views of these firms, which have invested heavily to bring consumer choice to the communications marketplace, during the Commission's review of the ULS issue.

Sincerely,

*Ernest B. Kelly III*

cc: Commissioner Furchtgott-Roth  
Commissioner Ness  
Commissioner Tristani

Magalie Roman Salas, Secretary  
Dorothy Attwood  
Rebecca Beynon  
Michelle Carey  
Kyle Dixon  
Jordan Goldstein  
Anna Gomez  
Jonathan Reel  
Deana Shetler



*Ernest B. Kelly, III, President*

April 4, 2001

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**JUL 20 2001**

The Honorable Michael K. Powell  
Chairman  
Federal Communications Commission  
445 12<sup>th</sup> Street S.W.  
Washington, DC 20554

**FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY**

**RE: CC Docket No. 96-98 (UNE Remand Proceeding)**

Dear Mr. Chairman:

The Association of Communications Enterprises (ASCENT) and the following communications companies strongly urge the Commission to lift the restriction on unbundled local switching (ULS) in Zone 1 of the top 50 MSAs from the current three-line threshold to a full DS-1 level. The DS-1 threshold would be consistent with the requirements of the 1996 Telecommunications Act and clearly would promote local phone competition in major markets.

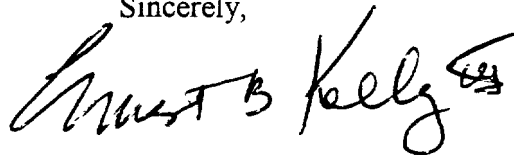
We believe the DS-1 threshold would permit competitive local exchange carriers to economically serve all customers in all markets. Certainly a primary beneficiary of this policy would be thousands of small businesses in the downtown areas of major cities. The three-line threshold means competitive local service providers cannot serve the huge number of small businesses that have at least four analog voice lines but fewer voice lines and data requirements than can be served economically by a DS-1. The result is that many urban small businesses are relegated to a distinct local phone market that is occupied not by hundreds of rival carriers but basically the incumbent LEC.

Raising the threshold to the DS-1 level also would allow new entrants with modest resources to focus their capital expenditures on state of the art operational support systems and on growing their customer base. Furthermore, once critical mass and economies of scale are achieved, these providers likely would opt to deploy facilities that would reduce their dependence on the incumbent LEC network. The important point is that this decision would be made not in the hope of attracting sufficient customers to support facilities already deployed, but to serve existing customers more efficiently. This would be a far more prudent business strategy than the "build it and they will come" approach that was so popular during the recent – and now bygone – era of capital abundance.

In the past, the FCC has wisely endorsed the view that both facilities-based and non-facilities based carriers play important roles in creating and sustaining competitive markets. In 1984, for example, when there were essentially three facilities-based long distance carriers and AT&T enjoyed a 90% market share, consumers had few choices in terms of price and service offerings. By 1999, however, the Commission's pro-competitive policies with respect to interconnection and resale rights had helped dozens of facilities-based and literally hundreds of non-facilities based long distance carriers gain 25% control of the market. Consumers, in turn, had a host of choices with regard to price and service innovations.

The Commission would be equally successful pursuing policies which promote market entry by all manner of local service providers, not just those which intend at the outset to deploy their own switching facilities. Owning a local switch is not a prerequisite for successfully competing in the telecommunications market, nor is it mandated by the 1996 Act. We urge the Commission to conclude what is so apparent to us -- that lifting the current restriction on ULS, at least to the DS-1 level, is vital to fulfilling the competitive promise of the 1996 Act.

Sincerely,



---

**ACC Business**  
Piscataway, NJ

**Capsule Communications, Inc.**  
Bensalem, PA

**Access Integrated Networks, Inc.**  
Macon, GA

**CIMCO Communications**  
Oakbrook Terrace, IL

**AMI Communications**  
Geneva, IL

**CoreComm**  
Chicago, IL

**BridgeCom International**  
Mount Kisco, NY

**Cost Management, Inc.**  
New York, NY

**BullsEye Telecom**  
Oak Park, MI

**Covista**  
Little Falls, NJ

**Data Net Systems, L.L.C.**  
Buffalo Grove, IL

**DSCI Corporation**  
Lexington, MA

**Easton Telecom Services Inc.**  
Richfield, OH

**eLEC Communications Corp.**  
New Rochelle, NY

**Ernest Group**  
Norcross, GA

**Homisco**  
Melrose, MA

**InfoHighway Communications Corp.**  
New York, NY

**ISN Communications**  
Miami, FL

**LDMI Telecommunications**  
Hamtramack, MI

**Lightyear Communications, Inc.**  
Louisville, KY

**Line Systems, Inc.**  
Broomall, PA

**Midwest Telecom of America**  
Merrillville, IN

**Network Plus**  
Quincy, MA

**NUI Telecom**  
Morristown, NJ

**Plexnet Communications Services, Inc.**  
Odessa, TX

**PointOne Communications**  
Austin, TX

**TCO Network**  
Elm Grove, WI

**Telecarrier Services Inc.**  
Edison, NJ

**Telemetrics Communications**  
Buffalo Grove, IL

**Telicor**  
Seattle, WA

**TruComm Corporation**  
Buffalo Grove, IL

**VarTec Telecom**  
Dallas, TX

**Vertex Broadband Corp.**  
Rolling Meadows, IL

**Working Assets Funding Service**  
San Francisco, CA

**XTEL**  
Marlton, NJ



cc: Commissioner Furchtgott-Roth  
Commissioner Ness  
Commissioner Tristani

Magalie Roman Salas, Secretary  
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